

# **Tsnungwe Council**

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U S Department of the Interior  
Office of Regulatory & Collaborative Action  
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To our knowledge the Tsnungwe Council is the only California tribe of indigenous people with the status of "previously acknowledged" that is not on the Federal Register of tribes at this time.

In 1995, we submitted to the Branch of Acknowledgment and Research, now the Office of Federal Acknowledgment, a request for a determination regarding previous acknowledgment. It was determined at that time to be a previously acknowledged tribe.

In 1996, we submitted documentation for (b), (c), (d), (e), (f), and (g). At that time we asked BAR for guidance regarding how to proceed. We have not received a written response to our request. We have been waiting since 1995 for the federal government to advise us how to proceed as a previously acknowledged tribe.

Changes in the proposed new regulations will give us the additional guidance we, as well as other California tribes, need. We hope you can appreciate that we have been waiting for 18 years for this guidance.

Our Council has concerns with the proposed new regulations. Which include:

1. It is not clear how tribes that are currently considered previously acknowledged will proceed through the process. Previously acknowledged tribes current and future should go to through the expedited process.

To correct this we recommend adding previous acknowledgment to expedited favorable criteria list to allow tribes with special circumstance to proceed through the new expedited process for tribes with previous federal acknowledgment.

On page 16 § 83.10(g)3

add:

(iii) Meets the requirements of previous Federal acknowledgment as defined in § 83.1.

2. Sections 83.10(b)3 and 83.10(c)2 state the determination of previous recognition happens during Technical Assistance Review. Our recommended changes:

Expedite the Technical Assistance Review for tribes seeking the status of previously acknowledged.

Clarify what needs to be submitted for tribes claiming previous acknowledgment.

Make it clear that only documentation of previously acknowledgment needs to be submitted along with a request for a Technical Assistance Review regarding a determination of previous acknowledgment.

If the OFA rejects the claim for previous acknowledgment the tribe receives advice in the Technical Assistance Review letter to submit evidence not provided in the initial petition.

3. The Tsnungwe Council received no notice of the Proposed Regulation changes. Perhaps this was an oversight, but it demonstrates lack of consideration for tribes in the acknowledgment process by the Department of the Interior and lack of consideration for the difficulty of this process. How is it possible that the regulations can be changed without notifying or seeking input from those in the acknowledgment process?

Thank you for your consideration.



Chair Paul Ammon,  
Elders Council

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Additional comments and recommendations are submitted by Tsnungwe Elder John Ammon.

Recommendations:

1. Page 12 Withdrawals - Should a tribe decide to withdrawal their petition and apply under the new policy, it will be termed a "reconsideration" and not a withdrawal and they will continue to hold their place in line (where they were when they filed their original petitions).
2. Page 12 - Final Determinations - Needs transparency of process and who makes the determinations and why they were chosen to participate. How are they selected? Increase the numbers of these decision-makers to help expedite the process.
3. Support the appeal to BIA, but replace Federal Court process with an Arbitration Process to eliminate costs and court delays.
4. Provide Website to comments and input and utilize federal library systems to assist in announcements, procedures, on line applications process, etc.
5. Page 8 Seeking Comments on Criteria and percentages...establishing percentages to determine tribal authenticity creates a barrier that will deny recognition to tribes, communities, peoples and cultural families that are already part of the tribe by sovereign rights.
6. California has special needs and circumstances. It also has the highest number of petitions that need to be processed.
7. The Department of Interior needs to expedite pending petitions.
8. Partner and help train Volunteers from AmeriCorps; they will be trained in the new process to assist tribes to help expedite this process.
9. During their reconsideration process, assignment of trained staff and/or newly trained volunteers will assist the tribe in their new process to expedite their request.
10. Delete and eliminate any groups of external observers in the decision-making process.
11. Use the term indigenous people
12. Keep the term indigenous in the process. Obama signed a document regarding indigenous rights.